

ESTTA Tracking number: **ESTTA498035**

Filing date: **10/03/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91200834
Applicant	Plaintiff Chicago Cubs Baseball Club, LLC
Other Party	Defendant United Services Automobile Association (USAA)

## Motion for an Extension of Answer or Discovery or Trial Periods With Consent

The Defendant's Time to Answer is currently set to close on 10/08/2012. Chicago Cubs Baseball Club, LLC requests that such date be extended for 90 days, or until 01/06/2013, and that all subsequent dates be reset accordingly.

Time to Answer :	01/06/2013
Deadline for Discovery Conference :	02/05/2013
Discovery Opens :	02/05/2013
Initial Disclosures Due :	03/07/2013
Expert Disclosure Due :	07/05/2013
Discovery Closes :	08/04/2013
Plaintiff's Pretrial Disclosures :	09/18/2013
Plaintiff's 30-day Trial Period Ends :	11/02/2013
Defendant's Pretrial Disclosures :	11/17/2013
Defendant's 30-day Trial Period Ends :	01/01/2014
Plaintiff's Rebuttal Disclosures :	01/16/2014
Plaintiff's 15-day Rebuttal Period Ends :	02/15/2014

The grounds for this request are as follows:

- *Parties are engaged in settlement discussions*
- *Progress has been made toward a resolution of this matter. Since the last suspension, in June 2012, Opposer's junior in-house counsel reviewed the agreement and provided her comments on the agreement to Opposer's senior in-house counsel. Opposer's junior and senior in-house counsel had internal discussions regarding the matter during July 2012. In July and August 2012, Opposer's senior in-house counsel began her review of the draft agreement. However, because of unrelated matters, the Major League Baseball All-Star Game and a previously scheduled vacation, Opposer's senior in-house counsel has not completed her review of the draft agreement. The additional time is requested for Opposer's senior in-house counsel to complete her review of the revised draft agreement, and for the parties to continue to work toward an agreement as necessary. The few remaining issues involve use and registration of the respective parties' marks. If accepted, the settlement agreement would resolve this matter without the need to proceed with the opposition proceedings.*

Chicago Cubs Baseball Club, LLC has secured the express consent of all other parties to this proceeding for the extension and resetting of dates requested herein.

Chicago Cubs Baseball Club, LLC has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

## **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Respectfully submitted,

/Seth Shaifer/

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